

RESOLUTION NO. 71691

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE APPROVING THE REVISED CITY COUNCIL
POLICY FOR POLLUTION PREVENTION**

WHEREAS, the existing Pollution Prevention Policy of the City of San José ("City") was approved by the San José City Council on May 24, 1994, to keep the City's operations consistent with Congress' hierarchy of management options for pollution prevention and the United States Environmental Protection Agency's national policy for hazardous waste management; and

WHEREAS, in February 2001, the San Francisco Bay Regional Water Quality Control Board ("Regional Board") adopted the City's current Stormwater National Pollutant Discharge Elimination System ("NPDES") Permit which requires the City to adopt policies related to specific pollutants, including mercury-containing products and urban pesticides; and

WHEREAS, on March 1, 2002, the Santa Clara Valley Urban Runoff Pollution Prevention Program ("Program") submitted a mercury pollution prevention plan to the Regional Board pursuant to the Program NPDES permit which provides for the adoption of a City policy to eliminate or reduce to the greatest extent practicable the use of mercury-containing products; and

WHEREAS, on March 1, 2002, the City submitted a Pesticide Management Plan ("PMP") to the Regional Board pursuant to the Program NPDES permit, which includes as the first performance standard the adoption of a City policy requiring the use of Integrated Pest Management ("IPM") operational techniques and the minimization of pesticide use; and

WHEREAS, the revised Pollution Prevention Council Policy incorporates the more recent stormwater permit requirements, addresses the use of mercury-containing products and IPM in City operations, and provides for other health and economic benefits resulting from the prevention and reduction of pollutants; and

WHEREAS, this Council desires to adopt the revised Pollution Prevention Council Policy designed to reduce from City operations the use of pollutant-containing products, the generation of hazardous waste, and the release of pollutants that could lead to water quality impairment and air pollution;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The revised Council Policy entitled, "Pollution Prevention," which is attached hereto as Exhibit A and incorporated by reference as if fully set forth herein, is hereby approved and shall replace current Council Policy Number 4-5 that was approved by this Council on May 24, 1994.

ADOPTED this 24th day of June, 2003, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, DANDO,
GREGORY, REED, WILLIAMS, YEAGER; GONZALES

NOES: NONE

ABSENT: LeZOTTE

DISQUALIFIED: NONE



RON GONZALES
Mayor

ATTEST:



PATRICIA L. O' HEARN
City Clerk

EXHIBIT A

REVISED COUNCIL POLICY
FOR POLLUTION PREVENTION

City of San José, California

COUNCIL POLICY

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	EFFECTIVE DATE 5/24/94	REVISED DATE 6/24/03

APPROVED BY

BACKGROUND

Pollution prevention is a key element of environmental protection. In addition to compliance with regulatory requirements, implementation of measures to prevent and reduce pollutants that can cause water quality impairment, air pollution, and the generation of hazardous waste can have the following beneficial effects:

- Improving the protection of human health and the environment;
- Improving air and water quality;
- Reducing or eliminating inventories and possible releases of hazardous materials;
- Enhancing organizational reputation and image;
- Enhancing City's role as model for local businesses;
- Minimizing quantities of hazardous waste generated, thereby reducing waste disposal and compliance costs;
- Possibly decreasing future Superfund and RCRA liabilities, as well as future toxic tort liabilities.

PURPOSE AND SCOPE

It is the purpose of this policy to protect water and air quality by minimizing the release of pollutants and the generation of hazardous wastes through the reduced use, recycling, and proper disposal of materials from City operations.

POLICY

It is the policy of the City of San Jose to minimize the release of pollutants into the water and air and reduce the generation of hazardous wastes by adopting the following practices:

1. Whenever feasible, the use of hazardous materials will be minimized at the source.
2. The City will seek, in its procurement processes, to eliminate the unnecessary use of

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hazardous substances and toxic chemicals. The City will take into account factors such as risk; the availability, cost, and performance of substitutes and process changes; and life-cycle costs including final disposal costs.

3. The City will practice pollution prevention, which is defined as source reduction and other practices that reduce the amount of pollutants entering a waste stream prior to out-of-process recycling, treatment, or disposal. Prevention includes improvements in processes, such as the substitution with less- or non-toxic materials, redesign of products to reduce environmental impacts, in-process recycling, modification of equipment, and housekeeping measures such as improved maintenance. It encompasses increased efficiency in the use of energy and water, and other practices that can protect natural resources through conservation.
4. The City will seek to minimize the use of pesticides in City operations to the maximum extent practicable. In particular, the City will use organophosphate and copper-based pesticides only when their use is justified and adverse water quality impacts are minimized. The City will reduce, phase-out, and ultimately eliminate the use of pesticides that cause impairment of surface waters. To minimize the use of pesticides, the City will incorporate Integrated Pest Management (IPM) techniques into City operations. IPM is an ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and the use of resistant varieties. IPM techniques include limiting the use of pesticides to situations where monitoring indicates that they are needed; selecting least toxic pest control materials; and applying these materials in a manner that minimizes risk to human health, beneficial and non-target organisms, and the environment.
5. The City will seek to eliminate the use of mercury-containing products and subsequent releases of mercury to the environment, to the maximum extent practicable. Where elimination is not feasible due to technological, safety, or economic factors, the City will seek to reduce use of and properly handle and dispose of mercury products, to minimize the potential for release to the environment. To achieve this goal, the City will evaluate pollution prevention opportunities to eliminate mercury from municipal activities, and ensure proper handling and disposal of those mercury-containing products that cannot be eliminated.
6. Hazardous wastes that cannot be prevented will be recycled in an environmentally safe manner. Disposal or other release into the environment will be employed only as a last resort and will be conducted in an environmentally safe manner and in accordance with all applicable regulations.

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RESPONSIBILITY

All City departments that procure and/or dispose of products and materials, or are involved in activities with the potential to cause water quality impairment, air pollution, or generation of hazardous wastes, will be responsible for implementing the provisions of this policy to the maximum extent practicable. In addition, products and services will be procured in accordance with the City's Environmentally Preferable Procurement Policy (Council Policy 4-6).